

REMARKS

Claims 1-4, 7-10, and 19-22 are pending. Claims 19 and 20 remain rejected. Claims 5, 6, and 11-18 have been canceled. Claims 1-4, 7-10, 21 and 22 have been allowed. Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 19 and 20 cover the second embodiment, which is illustrated for example in Fig. 9A of the present application. The subject matter of claims 19 and 20 is described, for example, on page 29, lines 10-21, of the specification. By the present amendment, claim 19 now recites, inter alia:

a frame member comprising a first frame and a second frame;

a movable electrode having a detection surface and being sandwiched between the first frame and the second frame, which oppose one another in a displacement direction of the movable electrode, the movable electrode being supported by the frame member by the first frame and the second frame through a beam portion to be displaced in a that is displaceable in the displacement direction by a dynamic quantity applied thereto, the movable electrode having a detection surface; and

.....

wherein

a difference between a ~~first~~ width of the first frame and a ~~second~~ width of the second frame member is 15% or less of a ~~shorter~~ smaller of the first width of the first frame or and the second width of the second frame.

On page 4, numbered paragraph 11 of the Examiner's Answer mailed on January 13, 2004, the Examiner states that "[w]hile Sakai et al. appears to show a difference between the 'top' and 'bottom' widths in Fig. 1 (i.e. in the X-direction), applicant's argument is more specific than the invention claimed, since the claims do not specify that the difference between the 'top' and 'bottom' widths must be 15% or less."

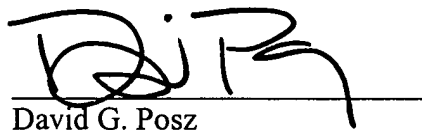
Applicants have amended claim 19 so that the scope of the claim is now believed to be commensurate with Applicants' remarks in the Appeal Brief dated November 24, 2003 and on pages 6 and 7 in the Rule 116 Amendment filed on September 10, 2003. Specifically, claim 19 now recites that the frame member comprises first and second frames opposed to one another in the displacement direction of the movable electrode, and that the difference between a width of the first frame and that of the second frame is 15% or less of a smaller of the two frame widths. Such a difference in widths is neither taught nor suggested by Sakai et al.

Therefore, as the present invention as recited in claim 19 is now clearly distinguishable over Sakai et al., Applicants respectfully request that the Examiner withdraw his rejection of claim 19. Further, as claim 20, which was also amended in view of the amendments made to claim 19, further limits the difference between the respective widths of the first and second frames, claim 20 is also allowable.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. Posz', is written over a horizontal line.

David G. Posz
Reg. No. 37,701

Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400